

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RACHEL M. WHITE :  
Plaintiff, : CIVIL ACTION  
vs. : NO.  
DAVID W. HAMEN and DISCOUNT :  
CAR & TRUCK RENTALS, LTD. :  
Defendants. :  
:

**NOTICE OF REMOVAL**

Defendants, David W. Hamen and Discount Car & Truck Rentals, Ltd., by their attorneys, Rawle & Henderson LLP, hereby remove this case to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. §§1332 and 1441, and in support of this Removal Petition, avers as follows:

1. Plaintiff commenced a civil action on May 1, 2002, by filing a Complaint in the Court of Common Pleas of Philadelphia County, Pennsylvania, entitled Rachel M. White v. David W. Hamen and Discount Car & Truck Rentals, Ltd., and docketed as Civil Action No. 004743, April Term, 2002. The Complaint was filed on May 1, 2002, and served upon defendant, Discount Car & Truck Rentals, Ltd. on May 9, 2002. This Notice of Removal is being filed less than 30 days from the date the Complaint was served. The documents attached hereto as Exhibit "A" constitute all of the pleadings, process and other papers served upon defendant in this action.

2. At the time the Complaint was filed, and at the time this Notice is being filed, defendant, David W. Hamen, was and is an adult individual who resides at 271 Maria Street, Toronto, Ontario, Canada M6P1W6.

3. At the time the Complaint was filed, and at the time this Notice is being filed, defendant, Discount Car & Truck Rentals, Ltd., was an is a business entity existing under the laws of Canada, with a principal place of business located at 720 Arrow Road, North York, Ontario, Canada M9M2M1.

4. To the best of defendant's information, knowledge and belief, plaintiff, Rachel M. White, is a citizen, resident and domiciliary of the Commonwealth of Pennsylvania at the time this Notice is being filed, and was a citizen, resident, and domiciliary of the Commonwealth of Pennsylvania at the time that this lawsuit was instituted, with a residence and domicile located at 116 Drake Lane, North Wales, Pennsylvania 19464.

5. Plaintiff's claim, as set forth in the Complaint, is for damages due to alleged serious personal injuries sustained in a motor vehicle accident which occurred on or about April 8, 2001. The damages sought include lost wages, bodily pain and suffering, mental anguish and other unliquidated items, as well as the collision deductible incurred by plaintiff. See Complaint at paragraph 9, 10. Therefore, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00. See, Nelson v. Keefer, 451 F.2d 289, 294 (3d Cir. 1971).

6. Diversity of citizenship exists between the plaintiff, a citizen, resident and domiciliary of the Commonwealth of Pennsylvania, and defendants, David W. Hamen and Discount Car & Truck Rentals, Ltd., residents and domiciliaries of Canada. Said diversity of citizenship existed at the time the action sought to be removed was commenced, and continues at the time of the filing of this Notice. The sum in controversy, exclusive of interest and costs, is in excess of \$75,000.00. Therefore, as to said claims and cause of action, jurisdiction is vested in this Court and defendant is entitled to removal. 28 U.S.C. §§ 1332 and 1441.

7. Removal venue is proper in the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1441(a), as this is the federal district and division embracing the place where the action was filed in state court.

8. WHEREFORE, the above-captioned action now pending in the Court of Common Pleas of Philadelphia County, Philadelphia, Pennsylvania, is removed therefrom to this Court.

RAWLE & HENDERSON LLP

By: \_\_\_\_\_

Thomas A. Kuzmick, Esquire  
Kevin M. Conaboy, Esquire  
Attorneys for Defendants,

David W. Hamen and Discount Car &  
Truck Rentals, Ltd.

The Widener Building  
One South Penn Square  
Philadelphia, PA 19107  
215-575-4200

**CERTIFICATION OF SERVICE**

I hereby certify that on today's date I served a true and correct copy of the foregoing

Notice of Removal by first-class mail, postage prepaid, upon all attorneys of record, addressed as follows:

Phillip H. Baer, Esquire  
Nineteenth Floor  
Three Penn Center Plaza  
Philadelphia PA 19102  
Attorney for Plaintiff

RAWLE & HENDERSON LLP

By: \_\_\_\_\_

Thomas A. Kuzmick, Esquire  
Kevin M. Conaboy, Esquire  
Attorneys for Defendants,  
David W. Hamen and Discount Car  
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